

EXHIBIT A

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14 Attorneys for Plaintiff
15 GLINT INC.

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 GLINT INC., a Delaware corporation,

19 Plaintiff,

20 v.

21 PERCEPTYX, INC., a California corporation;
22 MITCHELL ANDERSON, an individual; and
23 DOES 1 through 10, inclusive,

24 Defendants.

25 CASE No. 3:18-cv-02886-CRB

26 **PLAINTIFF'S REQUESTS FOR PRODUCTION
27 OF DOCUMENTS AND THINGS TO
28 DEFENDANT MITCHELL ANDERSON
(SET ONE)**

1 Pursuant to the Court's order granting Glint Inc.'s ("Glint") motion for expedited
 2 discovery and Rules 26 and 34 of the Federal Rules of Civil Procedure, Glint requests that
 3 Defendant Mitchell Anderson ("Anderson") respond in writing to each of the following Requests
 4 and produce the documents and things requested for inspection and copying, in accordance with
 5 the definitions and instructions set forth below, at the offices of Fenwick & West LLP, 801
 6 California Street, Mountain View, California 94041, within seven (7) calendar days of service.

7 **DEFINITIONS**

8 1. The terms "**Plaintiff**" or "**Glint**" mean and include, collectively and/or
 9 individually, Glint Inc., and its subsidiaries, affiliates, corporate divisions, predecessors or
 10 successor companies, if any, and its current and former officers, directors, employees,
 11 consultants, attorneys, authorized agents, sales representatives, distributors, dealers, direct and
 12 indirect contractors, and/or all other **Persons** acting or purporting to act on its behalf.

13 2. The terms "**You**," "**Your**," "**Defendant**," or "**Anderson**" mean and include,
 14 collectively and/or individually, Mitchell Anderson, and/or all other **Persons** acting or purporting
 15 to act on his behalf.

16 3. The term "**Perceptyx**" means and includes, collectively and/or individually,
 17 Perceptyx, Inc., and its subsidiaries, affiliates, corporate divisions, predecessors or successor
 18 companies, if any, and its current and former officers, directors, employees, consultants,
 19 attorneys, authorized agents, sales representatives, distributors, dealers, direct and indirect
 20 contractors, and/or all other **Persons** acting or purporting to act on its behalf.

21 4. The terms "**Person**" or "**Persons**" shall include both natural persons, corporate or
 22 other business entities, and all other forms of legal entities, and shall include, but is not limited to,
 23 the following: corporations, partnerships, joint ventures, associations, business organizations,
 24 trade organizations, standards organizations, and sole proprietorships.

25 5. The terms "**Document**" or "**Documents**" have the broadest meaning accorded that
 26 term by Fed. R. Civ. P. 34(a) and includes, but is not limited to, all of the items defined in Fed. R.
 27 Evid. 1001, and all preliminary and final drafts of any such item. The terms shall include, but not
 28 be limited to, all written, electronic, phonic, graphic, and recorded matter of every type and

1 description and every tangible thing that is or has been in **Your** possession, custody, or control, to
2 which **You** have access or of which You have knowledge. “**Document(s)**” shall also include, but
3 shall not be limited to, the following items, whether printed or recorded or reproduced by hand:
4 agreements, contracts, leases, communications (including intra-company communications),
5 electronic mail, data from Personal Digital Assistants (including handheld computers and “smart
6 phones,”), correspondence, postings on intranet or internet forums or websites (such as web pages
7 and web logs or blogs), faxes, memoranda, records, books, diaries, notebooks calendars (paper,
8 electronic and otherwise), telephone and other logs, telephone and other bills, voicemail and
9 transcriptions thereof, recorded distributions, forecasts, statistical statements, accounts, invoices,
10 purchase orders, receipts, billing records, tapes, expense vouchers, minutes, summaries and other
11 records of meetings, conferences, negotiations, conversations, investigations and interviews, sales
12 brochures and literature, advertisements, price lists, trade letters, press releases, stenographic,
13 handwritten and any other notes, projections, working papers, checks (front and back), check
14 stubs and receipts, models, surveys, devices, pictures, photographs, films, computer records, data
15 compilations, and voice and video recordings. “**Document(s)**” shall not be limited in any way as
16 to the form of storage (such as paper, magnetic tape, magnetic disk, CD-ROM, DVD, optical
17 disk, flash memory drive, or other storage device). A draft or non-identical copy is a separate
18 document within the meaning of this term.

19 6. The terms “**Communication**” or “**Communications**” refer to any exchange of
20 information by any means of transmission and the sending or receipt of information of any kind
21 by or through any means, including but not limited to speech, writings, documents, language
22 (machine, foreign or otherwise) of any kind, computer electronics or electronic data, sound, radio
23 or video signals, telecommunications, telephone, teletype, facsimile,, photographic film of all
24 types or other media of any kind. The terms “**Communication**” and “**Communications**” also
25 include, without limitation, all meetings, notices, requests, response, demands, complaints, press,
26 publicity or trade releases, and postings on intranet or internet forums or websites (such as web
27 pages and web logs or blogs).

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1 7. The term “**Concerning**” means pertaining to, mentioning, commenting,
2 describing, analyzing, dealing with, resulting from, constituting, including, comprising, consisting
3 of, containing, referring to, reflecting, discussing, showing, stating, explaining, contradicting,
4 providing context to, evidencing, concerning, or recording a particular subject in whole or in part,
5 either directly or indirectly, or being in any way logically or factually connected with the matter
6 discussed or identified.

7 8. The terms "or" and "and" shall be read in the conjunctive and in the disjunctive
8 wherever they appear, and neither of these words shall be interpreted to limit the scope of these
9 Requests.

10 9. The words "any," "all," and "each" shall be construed as "all and each."

11 10. The use of a verb in any tense shall be construed as the use of the verb in all other
12 tenses.

13 11. The singular form of any word shall be deemed to include the plural. The plural
14 form of any word shall be deemed to include the singular.

INSTRUCTIONS

16 1. In responding to the following requests, furnish all available **Documents**,
17 including documents in the possession, custody, or control of any of your attorneys, directors,
18 officers, agents, employees, representatives, associates, investigators or division affiliates,
19 partnerships, parents or subsidiaries, and persons under your control, not merely documents in
20 your direct possession.

21 2. All **Documents** shall be organized and produced pursuant to Rule 34(b) of the
22 Federal Rules of Civil Procedure.

23 3. Electronic records and computerized information must be produced in an
24 intelligible format, together with a description of the system from which they were derived
25 sufficient to permit rendering the records and information intelligible. Electronic information
26 must be produced in native format.

27 4. **If You** are unable to comply with a demand for any **Document** in full, **You** are
28 requested to specify, pursuant to Federal Rule of Civil Procedure 34, whether **Your** inability to

comply is because the **Document** has never existed, has been destroyed, has been lost, misplaced or stolen, and/or has never been, or is no longer in **Your** possession, custody or control. The statement shall set forth the name and address of any Person or organization known or believed by **You** to have possession, custody, or control of the **Document**.

5. If any information requested is claimed to be privileged, immune from discovery or otherwise not discoverable, **You** are requested to provide all information falling within the scope of the document request which is discoverable, and for each item of information contained in a document to which a claim of privilege is made, **You** must identify such document in a privilege and/or redaction log pursuant to Federal Rule of Civil Procedure 26(b)(5), such identification to include at least the following:

- (1) the basis on which the privilege is claimed;
- (2) the names and positions of the author of the document and all other persons participating in the preparation of the document;
- (3) the name and position of each individual or other person to whom the document, or a copy thereof, was sent or otherwise disclosed;
- (4) where not apparent, the relationship of the author, writer, sender, initiator, addressee or any other recipient with each other;
- (5) the date of creation or transmittal indicated on each document, or an estimate of that date, indicated as such, if no date appears on the document;
- (6) a description of any accompanying material transmitted with or attached to such document;
- (7) the number of pages in such document;
- (8) the particular document request to which such document is responsive; and
- (9) the general subject matter and whether any business or non-legal matter is contained or discussed in such document.

6. Each Request for Documents seeks production of all **Documents** described along with any attachments, drafts, and non-identical copies in any language whatsoever, in the possession, custody or control of **You** or **Your** respective agents or all available information,

1 including such information as becomes available to **You** after **Your** answers hereto are served.

2 **DOCUMENT REQUESTS**

3 **DOCUMENT REQUEST NO. 1:**

4 Inspection of any laptop, hard drive and/or portable storage device (including any
 5 **Perceptyx**-issued devices) in **Your** possession, custody or control used by **You** while employed
 6 at **Glint** or **Perceptyx** from November 1, 2017 to present for purposes of conducting a forensic
 7 examination of unauthorized copying and data transfer of **Glint** information.

8 **DOCUMENT REQUEST NO. 2:**

9 Copies of any and all **Glint Documents** received or obtained by **You** while employed at
 10 **Glint**, including but not limited to **Glint**'s customer lists, customer contacts information, pricing,
 11 customer proposals, project implementation plans for customers and prospective customers,
 12 screenshots of **Glint**'s product or services, **Glint**'s survey questions and related materials, videos
 13 of product demos, **Glint**'s pricing calculator or price quotes, any data from **Glint**'s Salesforce
 14 account, and other product information from February 2018 to the present.

15 **DOCUMENT REQUEST NO. 3:**

16 All **Communications** between **You** and **Perceptyx** from November 1, 2017 to May 1,
 17 2018.

18 **DOCUMENT REQUEST NO. 4:**

19 **Documents Concerning** customer and prospective customer **Communications** **You** have
 20 had either with **Glint** and/or **Perceptyx** since **You** received an offer of employment from
 21 **Perceptyx** on or about March 20, 2018.

22 **DOCUMENT REQUEST NO. 5:**

23 **Documents** sufficient to show login attempts to **Glint**'s G-Suite and any **Glint**-controlled
 24 servers by **You** on **Your** mobile phone, any email account (including personal email) and any
 25 computer from April 27, 2018 to present.

26 **DOCUMENT REQUEST NO. 6:**

27 **Documents Concerning** customer and prospective customer **Communications** **You** have
 28 had with a current or prospective customer of **Glint** since **You** received an offer of employment

1 from **Perceptyx** on or about March 20, 2018.

2
3 Dated: _____, 2018

FENWICK & WEST LLP

4
5 By: _____
6 Patrick E. Premo

7 Attorneys for Plaintiff
8 GLINT INC.

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10 FENWICK & WEST LLP
11 ATTORNEYS AT LAW
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